

**IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI NORTHERN DIVISION**

CORNELL PHILLIPS and KELVIN D. DOSS

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:17-CV-00682 CWR-LRA

**NISSAN NORTH AMERICA Inc. and/or
NISSAN NORTH AMERICA,
MARTIN BAKER, individually and
in his official capacity as a manager of Nissan North America Inc.
BRAD FORTNEY, individually and in his official capacity as a
manager of Nissan North America Inc.**

DEFENDANTS

PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO COMPEL [DOC. 84]

COMES NOW, Plaintiffs' Cornell Phillips and Kelvin Doss by and through their attorney of record and files this response Defendants motion to compel [Doc. 84] through [Doc. 84-1]. Plaintiff will show to wit:

**DEFENDANTS' ITEMIZATION OF PLAINTIFF' INSUFFICIENT DISCOVERY
RESPONSES**

Pursuant to Uniform Local 37(b), Defendants itemize and quote below the specific requests at issue, and Plaintiffs' deficient discovery responses, in four categories corresponding to the broad deficiencies raised in Defendants' brief. Defendants have generally requested the Court to order Plaintiff's to serve verified interrogatory responses. But in addition, and as set forth below, Defendants ask the Court jot order Plaintiffs to correct the specifically itemized discovery responses below on the bases that Plaintiffs' unverified, incomplete responses (i) refer

Defendants of the unsworn allegations of the Amended Complaint for answers, (ii) refer Defendants to future deposition testimony for answers? (iii) provide answers to the wrong, miscopied request? (iv) fail to represent under oath whether Plaintiffs' have identified and produced all responsive information and documents in their possession, and (v) refuse to provide responsive information about potential witness, including the subject matters (let alone Plaintiffs) about which they have information.

i. **References to Unsworn Allegations of Amended Complaint**

The Court should order Plaintiffs Kelvin Doss and Cornell Phillips to provide verified, Complete answers to the following interrogatories without references to the unsworn allegations contained in the Amended Complaint, which deficient answers are emphasized below:

DOSS INT 4: Describe with particularity and specificity each item or component of damages and/or relief which you claim in this action. In so doing, identify all document, records, letters, memos, e-mails, computer records, electronic records, recordings, correspondence, communications, writings, data compilations, or other tangible things of any kind for form whatsoever (hereinafter collectively, "documents") in your possession, custody, or control which relate to or which you contend support each of your claims.

RESPONSE: *Please refer to Paragraphs 47 and 48 of the Amended Complaint*

REASON TO COMPEL: As stated above, and in Defendants Brief, Plaintiffs must provide complete interrogatory answers without referencing the unsworn allegations of the Amended Complaint.

DOSS SUPPLEMENTAL RESPONSE TO INT 4: Plaintiff files with this response the Attestation of Plaintiff Doss (Plaintiff's Exhibit A) for the already submitted Interrogatory responses and the Amended Complaint. Plaintiff reserves the right to supplement this response.

DOSS INT 10: Please state and describe all alleged facts and specific alleged instances of conduct and dates thereof which you contend support your contention in Paragraph 37 of the Amended Complaint that "Defendants are currently treating white male employees different than blacks for reasoning of their race." In doing so, specifically identify the white employees you are referring to and identify all persons you allege engaged in such claimed actions and all witnesses, documents, and evidence that you contend support such allegations. Please also specifically identify in your response the "recordings, pictures, and text messages" in your custody or control that are referenced in Paragraph 37 of your Amended Complaint.

RESPONSE: Plaintiff Objects to the form of the question as asked, the question does not address the Plaintiffs as captured in the complaint and the second half of Defendants question is compounded. However, notwithstanding the objection, *Plaintiff request that Defendant to see No. 11 and 15-18 and of the amended complaint.* Moreover, Plaintiff contends that they expect more narrative information upon deposition of Defendant. Additionally, the third question in Defendants multiple question format, is provided in the above response to Interrogatory No. .

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must provide complete interrogatory answers without referencing the unsworn allegations of the Amended Complaint.

DOSS SUPPLEMENTAL RESPONSE INT 10 :

Plaintiff files with this response the Attestation of Plaintiff Doss (Plaintiff's Exhibit A) for the already submitted Interrogatory responses and the Amended Complaint. Plaintiff reserves the right to supplement this response.

DOSS INT 11: Please state and describe all alleged facts and specific instances of conduct and dates thereof which you contend support your contention in Paragraphs 39 of the Amended Complaint that Defendants are liable "for violating [your] rights to freely speak to race discrimination without being retaliated upon." In doing so, identify all persons you allege engaged in such claimed actions and all witnesses, documents, and evidence that you contend support such allegations.

RESPONSE: Plaintiff Doss Objects to the form of the question as asked, However, notwithstanding the objection, question seeks information Plaintiff intends to be disclosed in Depositions. Additionally, *Plaintiff Doss answered this question in his amended complaint No. 11, and 13-15, 36-37.* Plaintiff contends that specific dates will be supplemented to this questions after Depositions of Defendants.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must provide complete interrogatory answers without referencing the unsworn allegations of the Amended Complaint.

DOSS SUPPLEMENTAL RESPONSE TO INT 11:

Plaintiff files with this response the Attestation of Plaintiff Doss (Plaintiff's Exhibit A) for the already submitted Interrogatory responses and the Amended Complaint. Plaintiff reserves the right to supplement this response. Moreover, Plaintiff has identified the supervisor Brad Fortney as the person making the racial comments and human resources Marc Doucestt. Please refer to the amended complaint and note that the attestation attached as Exhibit A confer Plaintiff Doss's response as valid.

DOSS INT 13: Please state and describe all alleged facts and specific alleged instances of conduct and dates thereof which you contend support your contention in Paragraph 44 of the Amended Complaint the Defendants engaged in "misrepresentation." In doing so, identify all persons you allege engaged in such claimed actions and all witnesses, documents, and evidence that you contend support such allegations.

RESPONSE: *Please see No. 26-35 of the amended complaint.*

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must provide complete interrogatory answers without referencing the unsworn allegations of the Amended Complaint.

DOSS SUPPLEMENTAL RESPONSE TO INT 13:

Plaintiff files with this response the Attestation of Plaintiff Doss (Plaintiff's Exhibit A) for the already submitted Interrogatory responses and the Amended Complaint. Plaintiff reserves the right to supplement this response. Moreover, Plaintiff has identified human resources Marc Doucestt. Please refer to the amended complaint in Plaintiff amended complaint 26-35 and note that the attestation attached as Exhibit A confer Plaintiff Doss's response as valid.

PHILLIPS INT 4: Describe with particularity and specificity each item or component of damages and/or relief which your claim in this action. In so doing, identify all documents, records, letters, memos, e-mails, computer records, electronic records, recordings, correspondence, communications, writings, data compilations, or other tangible things of any kind or form whatsoever (hereinafter collectively, "documents") in your possession, custody, or control which relate to or which you contend support each of your claims.

RESPONSE: *Please refer to Paragraphs 47 and 48 of the Amended Complaint*

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must provide complete interrogatory answers without referencing the unsworn allegations of the Amended Complaint.

PHILLIPS SUPPLEMENTAL RESPONSE TO INT. 4:

Please refer to Paragraphs 47 and 48 of the Amended Complaint and the signed attestation of Phillips validating this response. Moreover, Plaintiff has not itemized each damage at this date, but do reserve the right to supplement this response when each damage from the amended complaint is itemized by Plaintiff's counselors.

PHILLIPS INT NO. 10: Please state and describe all alleged facts and specific alleged instances of conduct and dates thereof which you contend support your contention in Paragraph 37 of the Amended Complaint that "Defendants are currently treating white male employees different than blacks for reasoning of their race." In doing so, specifically identify the white employees you are referring to and identify all persons you allege engaged in such claimed actions and all witnesses, documents, and evidence that you contend support such allegations.

Please also specifically identify in your response the “recordings, pictures, and text messages” in your custody or control that are referenced in Paragraph 37 of your Amended Complaint.

RESPONSE: Plaintiff Phillips Objects to the question as asked, the question does not address the Plaintiffs as captured in the complaint and the second half of Defendants question is compounded. However, notwithstanding the objection, *Plaintiff request that Defendant see No. 11 and 15-18 of the amended complaint.* Moreover, Plaintiff contends that they expect more narrative information upon deposition of Defendant. Additionally, the third question in Defendants multiple question format is provided in the above response to Interrogatory No. . Plaintiff reserves the right to supplant this response.

REASON TO COMPEL: As stated above, and in Defendants’ Brief, Plaintiff’s must provide complete interrogatory answers without referencing the unsworn allegations of the Amended Complaint.

PHILLIPS SUPPLEMENTAL RESPONSE TO INT. 10: Plaintiff request that Defendant see No. 11 and 15-18 of the amended complaint as Plaintiff has attached exhibit A, Phillips signed attestation that the response in the amended complaint are true and correct. Plaintiff reserves the right to supplement this response.

PHILLIPS INT 13: Please state and describe all alleged facts and specific alleged instances of conduct and dates thereof which you contend support your contention in Paragraph 45 of the Amended Complaint that Martin Baker created “a racial and hostile environment between black and white employees.” In doing so, identify all persons you allege engaged in such claimed actions and all witnesses, documents, and evidence that you contend support such allegations.

RESPONSE: *Please see No. 15-20 of the amended complaint.*

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must provide complete interrogatory answers without referencing the unsworn allegations of the Amended Complaint.

PHILLIPS SUPPLEMENTAL RESPONSE TO INT. 13: Plaintiff respectfully direct Defendants to Plaintiff's amended complaint as Plaintiff Phillips validate the amended complaint with the signed attention. Plaintiff Phillips reserves the right to supplement this response.

ii. References to Future Deposition Testimony

The Court should order Plaintiffs Kelvin Doss and Cornell Phillips to provide complete answers to the following interrogatories based on information available to them without the references to future deposition testimony (emphasized below):

DOSS INT 10: Please state and describe all alleged facts and specific alleged instances of conduct and dates thereof which you contend support your contention in Paragraph 37 of the Amended Complaint that "Defendants are currently treating white male employees different than blacks for reasons of their race." In doing so, specifically identify the white employees you are referring to and identify all persons you allege engaged in such claimed actions and all witnesses, documents, and evidence that you contend support such allegation. Please also specifically identify in your response the "recordings, pictures, and text messages" in your custody or control that are referenced in Paragraph 37 of your Amended Complaint.

RESPONSE: Plaintiff objects to the form of the question as asked, the question does not address the Plaintiff's as captured in the complaint and the second half of Defendant's question is compounded. However, notwithstanding the objection, Plaintiff has already provided pictures and exhibits and also request that Defendant to see No 11 and 15-18 and of the Amended Complaint. Additionally, the third question in Defendant's multiple question format, is provided in the above response to Interrogatory No. Plaintiff reserves the right to supplement this response.

REASON TO COMPEL: As stated above, and in Defendant's Brief, Plaintiff must provide complete interrogatory answers based on all information available to Plaintiff without referring to future deposition testimony.

DOSS SUPPLEMENTAL RESPONSE TO INT 10: Objection, Plaintiff Doss has already provided exhibits that included pictures, and exhibits to Defendant's. For the efficiency of expenses, if Defendant's are in need of another copy, then Plaintiff request that Defendant's pay for the additional cost to supply the same response. Additionally, Plaintiff request that Defendant please see Plaintiff's amended complaint responses No. 11 and 15-18, as Plaintiff Doss has attached an signed attention that he validates all the information provided to be true and correct. Further, Plaintiff contends that the 3rd question of this same interrogatory was previously asked and answered. Plaintiff reserves the right to amend this response.

DOSS INT 11: Please state and describe all alleged facts and specific instances of conduct and dates thereof which you contend support your contention in Paragraphs 39 of the Amended Complaint that defendants are liable "for violating [your] rights to freely speak to race discrimination without being retaliated upon." In doing so, identify all persons you allege

engaged in such claimed actions and all witnesses, documents, and evidence that you contend support such allegations.

RESPONSE: Plaintiff Doss Objects to the form of the question as asked, However, notwithstanding the objection, question seeks information Plaintiff intends to be disclosed in Depositions. Additionally, Plaintiff Doss answered this question in his Amended Complaint No. 11, and 13-15, 36-37. Plaintiff reserves the right to supplement this response.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must provide complete interrogatory answers based on all information available to Plaintiffs without referring to future deposition testimony.

DOSS SUPPLEMENTAL RESPONSE TO INT 11: Plaintiff respectfully ask that Defendants see Plaintiff amended complaint paragraph number 11, and 13-15, and 36-37. Plaintiff Doss further contends that the signed attestation validates that the amended complaint is true and correct. Plaintiff Doss reserves the right to supplement this response.

DOSS INT 12: Please state and describe all alleged facts and specific alleged instances of conduct and dates thereof which you contend support your contention in Paragraphs 39 off the Amended Complaint that Defendants are liable "for violating [your] rights to freely speak to race discrimination without being retaliated upon." In doing so, Identify all persons you allege engaged in such claimed actions and all witnesses, documents, and evidence that you contend support such allegations.

RESPONSE: DOSS SUPPLEMENTAL RESPONSE TO INT. 12: Plaintiff Doss contend that when he reported to Nissan Nissan's Human Resource Officers, how he was being subjected to Race Discrimination from Defendant Nissan's supervisors, Defendant Nissan,

through its Human Resources managers violated Plaintiff Doss's right not to be Discriminated upon because of his race not Retaliated upon by a Defendants. Moreover, Plaintiff reserves the right to expand further after Defendants Deposition.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must provide complete interrogatory answers based on all information available to Plaintiffs without referring to future deposition testimony.

DOSS SUPPLEMENTAL RESPONSE TO INT. 12: Plaintiff Doss contend that when he reported to Nissan Nissan's Human Resource Officers, how he was being subjected to Race Discrimination from Defendant Nissan's supervisors, Defendant Nissan, through its Human Resources managers violated Plaintiff Doss's right not to be Discriminated upon because of his race not Retaliated upon by a Defendants. Plaintiff reserves the right to supplement this their response.

DOSS INT 15: Identify all documents in your possession, custody, or control which you at any time provided to or received from Nissan or its employees that relate in any way to your Nissan employment, your alleged transfer requests, your termination, or your allegation that other Nissan employees were treated differently than you.

RESPONSE: Objection, question is compounded. However, notwithstanding the objection, *Plaintiffs assert that the information sought will become available at Defendants Depositions.* Plaintiff further asserts that this answer may have need for supplement this answer after Deposition. Plaintiff reserves the right to supplement this response.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must provide complete interrogatory answers based on all information available to Plaintiffs without referring to future testimony.

DOSS SUPPLEMENTAL RESPONSE TO INT. 15: Objection, Plaintiff has provided these sought document in Plaintiff response to Defendants 1st set of Interrogatory No. 3. Notwithstanding the objection, if Defendant is in need of another copy of the already provided information, Plaintiff request that the expense of such is born by Defendants. Plaintiff request that Defendant see attached signed attestation that validates Plaintiff's response to Defendants 1st set of Interrogatories. Plaintiff reserves the right to supplement this response.

PHILLIPS INT 10: Please state and describe all alleged facts and specific alleged instances of conduct and dates thereof which you contend support your contention in Paragraph 37 of the Amended Complaint that "Defendants are currently treating white male employees different than blacks for reasoning of their race." In doing so, specifically identify the white employees you are referring to and identify all persons you allege engaged in such claimed actions and all witnesses, documents, and evidence that you counted support such allegations. Please also specifically identify in your response the "recordings, pictures, and text messages" in your custody or control tat are referenced in Paragraph 37 of your Amended Complaint.

RESPONSE: Plaintiff Phillips Objects to the question as asked, the question does not address the Plaintiffs as captured in the complaint in the complaint and the second half of Defendants question is compounded. However, notwithstanding the objection, Plaintiff request that Defendant see No. 11 and 15-18 of the amended complaint. Moreover, Plaintiff contends that they expect more narrative information upon deposition of Defendant. Additionally, the

third question in Defendants multiple question format is provided in the above response to Interrogatory No.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must provide complete interrogatory answers based on all information available to Plaintiffs without referring to future deposition testimony.

PHILLIPS SUPPLEMENTAL RESPONSE INT 10: Plaintiff request that Defendant see No. 11 and 15-18 of the amended complaint and Plaintiff, Phillip's signed attestation to the amended complaint as validation of this response being true and correct. Plaintiff reserves the right to supplement this his response.

PHILLIPS INT 11: Please state and describe all alleged facts and specific alleged instances of conduct and dates thereof which you contend support your contention in Paragraphs 39 of the Amended Complaint that Defendants are liable "for violating [your] rights to freely speak to race discrimination without being retaliated upon." In doing so, identify all persons you allege engaged in such claimed actions and all witnesses, documents, and evidence that you contend support such allegations.

RESPONSE: Plaintiff Phillips Object to the form of the question as asked. However not withstanding the objection Defendant's question seeks information Plaintiff intends to be disclosed in Deposition.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must provide complete interrogatory answers based on all information available to Plaintiffs without referring to future deposition testimony.

PHILLIPS SUPPLEMENTAL RESPONSE TO INT. 11: Plaintiff Phillips contends that the amended complaint speaks of him placing in a suggestion box that was provided by Nissan his opinion of why the black employees in that department morale was low and when Phillips wrote a fictitious initials saying because a white friend of the supervisor with no experience was promoted and hired before the black men that had been working currently in the same plant and position and that Martin Baker black racist comments such as the word “boy” when addressing the black men. Plaintiff signed attestation validates the amended complaint as a true and correct. However, Plaintiff reserves the right to supplement this his response.

PHILLIPS INT 15: Identify all documents in your possession, custody, or control which you at any time provided to, or received from Nissan or its employees that relate in any way to your Nissan employment, your 2009 written discipline, your 2015 written discipline, your 2016 termination, or your allegation that other Nissan employees were treated differently than you.

RESPONSE: Objection, question is compounded. However, notwithstanding the objection, Plaintiff denies that he did anything to Defendant to justify these writings. Plaintiff further contends that Plaintiff has sought this information in Plaintiff’s Interrogatories and RFP. Plaintiff further asserts that this answer may have need for supplementing this answer after Deposition. Plaintiff reserves the right to supplement this response.

REASON TO COMPEL: As stated above, and in Defendants’ Brief, Plaintiffs must provide complete interrogatory answers based on all information available to Plaintiffs without referring to future deposition testimony.

PHILLIPS SUPPLEMENTAL RESPONSE TO INT. 15: Objection, question is compounded. However, notwithstanding the objection, Plaintiff denies that he did anything to

Defendant to justify these so called discipline writings. Plaintiff Phillips reserves the right to supplement this his response.

Erroneously Copied Discovery Requests

Defendants itemize below the discovery requests which Plaintiffs' failed to answer by contrasting the actual requests submitted by Defendants ("Defendants INT ____") with the version of the requests included in Doss's responses ("DOSS INT ____") and Phillips' responses ("Phillips INT ____").

DEFENDANTS INT 11: Please state and describe all alleged facts and specific alleged instances of conduct and dates thereof which you contend support your contention in Paragraphs 27, 28, 29, and 46 of the Amended Complaint that Defendants subjected you to "white supremacy rhetoric." In doing so, quote all such alleged rhetoric and identify all persons you allege engaged in such claimed actions and all witnesses, documents, and evidence that you contend support such allegations.

PLAINTIFF'S SUPPLEMENTAL RESPONSE INT 11: Plaintiff respectfully contends to the claims as stated in the amended complaint and Plaintiff's signed attestation of the amended complaint validates that the claims are true and correct. Furthermore, Plaintiff maintains that the understanding of each claim as found in paragraphs 27-29 and 46 are reasonable enough for a party to fully comprehend, in other words, Plaintiff contends that each paragraph speaks for itself. Additionally, Plaintiff contends that since each paragraph are reasonable Plaintiff is without any further response to this question. Plaintiff reserves the right to supplement this his response.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiff's must answer the actual discovery requests made.

DEFENDANTS INT 15: Identify all documents in your possession, custody, or control which you at any time provided to, or received from Nissan or its employees that relate in any way to your Nissan Employment, your alleged transfer requests, your termination, or your allegation that other Nissan employees were treated differently than you.

PLAINTIFF'S SUPPLEMENTAL RESPONSE TO INT 15: Objection. Plaintiff has provided these sought document in Plaintiff response to Defendants 1st set of Interrogatory No. 3. Notwithstanding the objection, if Defendant is in need of another copy of the already provided information, Plaintiff request that the expense of such is born by Defendants. Plaintiff request that Defendant see attached signed attestation that validates Plaintiff's response to Defendants 1st set of Interrogatories. Plaintiff reserves the right to supplement this response.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiff's must answer the actual discovery requests made.

DEFENDANTS INT 7: Identify all photographs, tape recordings, videos, and/or audio recordings, whether made by a cell phone or otherwise ("images/recordings"), in your possession, custody, or control made or taken by you, your counsel, or any other person of any Nissan employee, agent or representative which relate to your Nissan employment, the subject matter of this litigation, your 2009 written discipline, your 2015 written discipline, your termination, or your claims in this matter.

PLAINTIFF'S SUPPLEMENTAL RESPONSE INT 7: Plaintiff denies that he did anything wrong to deserve the so called discipline writing and Plaintiff Objects to have to

provide Defendants with the same information that has already been provided in Plaintiff's 1st set of Interrogatory response No. 3.

However, at Defendants expense Plaintiff can re-supply the same copies and information in needed. Plaintiff reserves the right to supplement this his response. Moreover, Plaintiff submits his signed attestation of the Interrogatories as being true and correct.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiff's must answer the actual discovery requests made.

DEFENDANTS INT 12: Please state and describe all alleged facts and specific alleged instances of conduct and dates thereof which you contend support your contention in Paragraph 44 of the Amended complaint that Defendants engaged in "misrepresentation." In doing so, identify all persons you allege engaged in such claimed actions and all witnesses, documents, and evidence that you contend support such allegations.

PLAINTIFF'S SUMMPLEMENTAL RESPONSE TO INT. 12: Objection asked and answered on page 5 of this response, however, notwithstanding the objection, Plaintiff files with this response the Attestation of Plaintiff Doss (Plaintiff's Exhibit A) for the already submitted Interrogatory responses and the Amended Complaint. Plaintiff reserves the right to supplement this response. Moreover, Plaintiff has identified human resources Marc Doucestt. Please refer to the amended complaint in Plaintiff amended complaint 26-35 and note that the attestation attached as Exhibit A confer Plaintiff Doss's response as valid.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must answer the actual discovery requests made.

DEFENDANTS INT 13: Please state and describe all alleged facts and specific alleged instances of conduct and dates thereof which you contend support your contention in Paragraph 45 of the Amended Complaint that Martin Baker created "a racial and hostile environment between black and white employees." In doing so, identify all person you allege engaged in such claimed actions and all witnesses, documents, and evidence that you contend support such allegations.

RESPONSE: Plaintiff respectfully submit that paragraph 42-48 of the amended complaint specifies how Plaintiff believes the issues that are complained about with Martin Baker got to the racial hostile environment. Furthermore, Plaintiff believes the entire amended complaint tells of events that Plaintiff claims against Defendants, therefore, Plaintiff contends that the attached Exhibit A, validates that Plaintiff certifies that the statement in the amended complaint are true and correct. Plaintiff reserves the right to supplement this his response.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must answer the actual discovery requests made.

iv. **Responses Not Based on All Responsive Information and Documents**

Both Plaintiffs provided the identical description of documents produced in this case in response to interrogators number 3. Plaintiffs repeatedly referenced Defendants to this single description of documents instead of identifying whether they had documents responsive to

individual discovery requests. The answers are incomplete and misleading as set forth in the Defendants' brief.

DOSS RFP 1: Produce for inspection and copying all documents, records, letters, memos, text messages, e-mails, computer records, photographs, tape recordings, images, audio recordings, videos, electronic records, recordings, correspondence, communications, writings, data compilations, or other tangible things of any kind or form whatsoever (hereinafter collectively "documents") identified or requested to be identified in response to Interrogatories 4, 5, 6, 7, 9, 10, 11, 12, 13, and 15 of Nissans's First Set of Interrogatories Propounded to Kelvin Doss.

RESPONSE: Please see response to Plaintiffs First Set of Interrogatories Responses No. 3 and 7. Plaintiff reserves the right to supplement this answer after Deposition of Defendants.

REASON TO COMPEL: stated above, and in Defendants' Brief, Plaintiffs must state whether they have documents responsive to this request.

DOSS SUPPLEMENTAL RFP 1: Please see response to Plaintiffs First Set of Interrogatories Responses No. 3 and 7. Plaintiff contends that the attached Exhibit A validates that Plaintiff finds his responses as true and correct. Plaintiff reserves the right to supplement this his response.

DOSS RFP 2: Produce for inspection and copying all documents which you will or may offer as evidence, utilize for impeachment, utilize for demonstrative purposes or utilize for any other purpose at any trial or pre-trial proceeding in this action.

PLAINTIFF'S SUPPLEMENTAL RESPONSE: Objection, Plaintiff has already provided this information, Please see RFP No. 1 response. Plaintiff's exhibit A, signed attestation is provided to validate the RFP. NO. 1 response.

Plaintiff reserves the right to supplement this their response.

REASON TO COMPEL: stated above, and in Defendants' Brief, Plaintiffs must state whether they have documents responsive to this request.

DOSS RFP 6: Produce for inspection and copying all diaries, logs, notes, text messages emails, electronic records, memos, videos, photographs, audio recordings, calendars, data compilations, tape recordings, or other documents in your possession, custody or control which relate to or which you contend support your claim in Paragraph 39 of the Amended Complaint that Defendants are liable "for violating [your] rights to freely speak to race discrimination without being retaliated upon."

SUPPLEMENTAL RESPONSE TO DOSS RFP 6: Objections, Plaintiff states answer has already been provided. However not waiving said objection, please see Interrogatory response No. 3. Plaintiff reserves the right to supplement this answer.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must state whether they have documents responsive to this request.

DOSS RFP 7: Produce for inspection and copying all diaries, logs, notes, text messages emails, electronic records, memos, videos, photographs, audio recordings, calendars, data compilations, tape recordings, or other documents in your possession, custody or control which relate to or which you contend support your claim in Paragraph 44 of the Amended Complaint that Defendants engaged in "misrepresentation."

RESPONSE: Objections, Plaintiff states answer has already been provided. However not waiving said objection, please see Interrogatory response No. 3. Plaintiff reserves the right to supplement this answer.

Please see Request No. 3. Plaintiff reserve the right to supplement this answer.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must state whether they have documents responsive to this request.

PHILLIPS RFP 1: Produce for inspection and copying all documents, records, letters, memos, text messages, e-mails, computer records, photographs, tape recordings, images, audio recordings, videos, electronic records, recordings, correspondence, communications, writings, data compilations, or other tangible things of any kind or form whatsoever (hereinafter collectively "documents") identified or requested to be identified in response to Interrogatories 4, 5, 6, 7, 9, 10, 11, 12, 13, and 15 of Nissan's First Set of Interrogatories Propounded to Cornell Phillips.

PHILLIPS SUPPLEMENTAL RESPONSE RFP 1: Please see response to Plaintiffs First Set of Interrogatories Response No. 3 and 7. Plaintiff submits the signed attestation Exhibit A, as validation that the response in Plaintiff's 1st set of Interrogatories responses as true and correct. Plaintiff reserves the right to supplement this his response.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must state whether they have documents responsive to this request.

PHILLIPS RFP 2: Produce for inspection and copying all documents which you will or may offer as evidence, utilize for impeachment, utilize for demonstrative purposes or utilize for any other purpose at any trial or pretrial proceeding in this action.

PHILLIPS SUPPLEMENTAL RESPONSE TO RFP 2: Please see RFP No. 1. Plaintiff reserves the right to supplement this his response.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must state whether they have documents responsive to this request.

PHILLIPS REP 6: Produce for inspection and copying and "writing" referenced in Paragraph 17 of the Amended Complaint by which you allegedly complained to Defendants that "white friends have better chance of advancement than blacks whom were told career elevations int the same position was possible."

PHILLIPS SUPPLEMENTAL RESPONSE TO REP 6: Please see Interrogatory Response No. 3. Plaintiff contends the the attached signed attestation validates that Plaintiff response to Interrogatory No. 3 is true and correct. Plaintiff reserves the right to supplement this answer.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must state whether they have documents responsive to this request.

PHILLIPS REP 7: Produce for inspection and copying all diaries, logs, notes, text messages, emails, electronic records, memos, videos, photographs, audio recordings, calendars, data compilations, tape recordings, or other documents in your possession, custody or control which relate to or which you contend support your claim in Paragraph 39 of the Amended Complaint that Defendants are liable "for violating [your] rights to freely speak to race discrimination without being retaliated upon."

PHILLIPS SUPPLEMENTAL RESPONSE TO REP 7: Please see Request No. 3. Plaintiff reserves the right to supplement this answer. Plaintiff contends the the attached signed attestation validates that Plaintiff response to Interrogatory No. 3 is true and correct. Plaintiff reserves the right to supplement this his answer.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must state whether they have documents responsive to this request.

v. **Failure to Provide Responsive Information About Potential Witnesses**

Plaintiffs failed to provide information required by Rule 26(a)(1)(A) regarding individuals with discovery knowledge, including the subject matters (let alone Plaintiffs) about which each potential witness has knowledge.

DOSS INT 1: State the name, last known address and telephone number of all persons known by you or your counsel to have knowledge of discoverable matter in connection with this action, together with a description of the subject matter about which each individual has knowledge.

DOSS SUPPLEMENTAL RESPONSE INT 1: The following people will have discoverable information regarding the aforementioned civil action: Cornell Phillips, 312 Wood Duck Circle, phone number 601-503-4186, Rankin County Mississippi, Kelvin Doss 100 Dogwood Hollow, Madison Mississippi 39110, 601-209-3950. The following witnesses address and phone numbers are not currently available, however, Plaintiff reserves the right to supplement this response: Brad Fortney, Madison Mississippi, Martin Baker, Rankin Mississippi, Dale Jefferson, Madison Mississippi, Mark Ducette, Madison Mississippi, James Bolden, Eric Hilt, Tennessee, Robbie Green, Gerald Welch, Madison Mississippi, Alan Sinagal, Madison Mississippi Randy Dossett, Madison Mississippi, Rahmeel Nash, Madison Mississippi, Felicia Martin, Madison Mississippi, Marcus Leopard, Madison Mississippi, Brian Davis, Madison Mississippi, Nikki Weismann, Zak Smith, Madison Mississippi.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must identify the subject matter about which each potential witness has knowledge.

PHILLIPS INT 1: State the name, last known address and telephone number of all persons known by you or your counsel to have knowledge of discoverable matter in connection with this action, together with a description of the subject matter about which each individual has knowledge.

PHILLIPS SUPPLEMENTAL RESPONSE INT 1: The following people will have discoverable information regarding the aforementioned civil action: Cornell Phillips, 312 Wood Duck Circle, phone number 601-503-4186, Rankin County Mississippi, Kelvin Doss 100 Dogwood Hollow, Madison Mississippi 39110, 601-209-3950. The following witnesses address and phone numbers are not currently available, however, Plaintiff reserves the right to supplement this response: Fortney, Madison Mississippi, Martin Baker, Rankin Mississippi, Dale Jefferson, Madison Mississippi, Mark Ducette, Madison Mississippi, James Bolden, Eric Hilt, Tennessee, Robbie Green, Gearld Welch, Madison Mississippi, Alan Sinagal, Madison Mississippi Randy Dossett, Madison Mississippi, Rahmeel Nash, Madison Mississippi, Felicia Martin, Madison Mississippi, Marcus Leopard, Madison Mississippi, Brian Davis, Madison Mississippi, Nikki Weismann, Zak Smith, Madison Mississippi.

REASON TO COMPEL: As stated above, and in Defendants' Brief, Plaintiffs must identify the subject matter about which each potential witness has knowledge.

RESPECTFULLY SUBMITTED THIS THE 9TH, day of May, 2018

/s/Abby Robinson (MSB. 105157)

ABBY ROBINSON LAW FIRM PLLC.
530 GEORGE STREET
SUITE 200

JACKSON, MISSISSIPPI 39202
PH. 601-321-9343
FAX. 601-487-6326
Email: arobinsonlawfirm@yahoo.com
Email: abby@askabbylaw.com

CERTIFICATE OF SERVICE

I certify that I have this date, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

ABBY ROBINSON LAW FIRM PLLC.
530 GEORGE STREET
SUITE 200
JACKSON, MISSISSIPPI 39202
PH. 601-321-9343
FAX. 601-487-6326
Email: arobinsonlawfirm@yahoo.com

WILLIE T. ABSTON, LLC.
1307 Airport Road #1C
P.O. BOX 320727
Flowood, MS 39232
Ph: 601-487-8839
Fax: 601-487-8667
Email: willie.abston@abstonlaw.com

/s/Toney Baldwin (MSB. 102161)
TONEY BALDWIN LAW FIRM
PLAINTIFFS ATTORNEYS

Watkins & Eager Law Firm
Walter J. Brand (MSB No. 4313)

Robert B. Ireland (MSB No. 100708)
Emily G. Barr (MSB No. 105286)
Watkins & Eager PLLC
400 E. Capitol Street
Jackson, MS 39201
Ph. 601-965-1900
Fax 601-965-1901
Email: wbrand@watkinseager.com
rireland@watkinseager.com
ebarr@watkinseager.com

/s/Abby Robinson (MBN. 105157)